

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

| | | |
|-------------------------------|---|-------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 3:08-CR-47 |
| |) | (PHILLIPS/GUYTON) |
| JUAN ANGEL DIAZ, JR., |) | |
| FRANK SOUTO, |) | |
| VINCENT WILLIS, |) | |
| MARIA BEAVER, |) | |
| JOSE AUGUSTIN OROZCO MENDOZA, |) | |
| and BERNARDO LEAL-VALDEZ, |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This cause came before the undersigned for an arraignment on the Superseding Indictment [Doc. 56] on October 9, 2008. Assistant United States Attorney Tracee Plowell was present on behalf of the government. Attorneys Sergio J. Sanchez, Steven Shope, David M. Eldridge, James H. Varner, Jr., Mike Whalen, and Oscar Alvarez were present representing Defendants Diaz, Souto, Willis, Beaver, Mendoza, and Leal-Valdez respectively.

During the arraignment, the government moved to amend the following language contained in the forfeiture allegation of Count Two:

Defendants DAMIEN LOPEZ, also known as "Damien Garcia," also know as "Damien Hernandez," also known as "Juan," FRANK SOUTO, VINCENT WILLIS, MARIA BEAVER, JOHN DOE, also known as "Poli," and JOHN DOE, also known as "Nallo,"

to make it identical to the way in which the defendants' names are listed at the beginning of Count Two:

Defendants JUAN ANGEL DIAZ, JR., also known as "Damien Garcia," also know as "Damien Hernandez," also known as "Juan," also known as "Damien Lopez," FRANK SOUTO, VINCENT WILLIS, MARIA BEAVER, JOSE AUGUSTIN OROZCO MENDOZA, also known as "Poli," and BERNARDO LEAL-VALDEZ, also known as "Nallo,"

in order to correct a typographical error. None of the defendants objected to the government's requested amendment.

Accordingly, because the parties agree to the amendment of the indictment to correct a typographical error, the government's oral motion to amend the indictment is **GRANTED**. The second paragraph of the Money Laundering Forfeiture Allegations in Count Two, which begins on page five of the Superseding Indictment, shall read as follows:

Pursuant to 18 U.S.C. §§ 982(a)(1), 1956(a)(1)(A)(i), and 1956(a)(1)(B)(i), Defendants JUAN ANGEL DIAZ, JR., also known as "Damien Garcia," also know as "Damien Hernandez," also known as "Juan," also known as "Damien Lopez," FRANK SOUTO, VINCENT WILLIS, MARIA BEAVER, JOSE AUGUSTIN OROZCO MENDOZA, also known as "Poli," and BERNARDO LEAL-VALDEZ, also known as "Nallo," shall, upon conviction, forfeit to the United States any and all property involved in a violation of 18 U.S.C. § 1956, and any and all property traceable thereto.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge